

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF SOUTH CAROLINA

IN RE:

Michelle Yvette Hodges,

Debtor(s).

C/A No.: 19-05555-hb

CHAPTER 13

OBJECTION TO CONFIRMATION OF
DEBTOR'S CHAPTER 13 PLAN

Wells Fargo Bank, N.A. (the "Creditor"), a secured creditor of the above-named Debtor, hereby objects to the confirmation of the Debtor's Chapter 13 plan on the following grounds:

1. Creditor is the holder of a secured claim as evidenced by a note and purchase money first mortgage on real property located at 6 Young Harris Drive, Simpsonville, SC 29681 (the "Property").
2. Debtor's Chapter 13 plan filed on November 6, 2019, ECF Doc. No. 20, appears to propose to avoid or strip Creditor's lien. No justification or reason is stated in the plan for this proposed treatment.
3. Creditor perfected its mortgage lien by recording its mortgage in the public records for Greenville County, South Carolina, on March 29, 2012, in Book 5155 at Page 5354 (the "Mortgage"). Debtor acquired her interest in the Property on or about July 5, 2015, as an heir of the original mortgagor, and took title subject to the existing lien of Creditor's mortgage. On information and belief, the Property is Debtor's principal residence. The Property and Mortgage are the subject of foreclosure litigation, which has been pending in the Court of Common Pleas for Greenville County, South Carolina (Case No. 2017-CP-23-08016) for almost two years.

4. Creditor is entitled to be treated in the plan as a secured creditor, and its rights are not subject to modification pursuant to 11 U.S.C. §1322(b)(2). Creditor is entitled to have plan treatment of both pre-petition mortgage arrears, and payments which will come due post-petition.

5. For information purposes, Creditor's estimated pre-petition mortgage arrears are currently \$38,570.72, and the ongoing current contractual monthly payment amount is \$1,085.69.

6. Creditor anticipates filing a proof of claim prior to the claims bar date. However, Creditor is filing this objection to preserve any rights it may have in the event the bar date is unable to be met.

WHEREFORE, for these reasons, Creditor prays that the Court deny confirmation of the Debtor's proposed Chapter 13 plan filed on November 6, 2019 and allow for an amended plan.

Respectfully submitted,

s/Robert P. Davis
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Robert P. Davis (I.D. 10258)
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Columbia, South Carolina
December 6, 2019

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CERTIFICATE OF SERVICE

I, the undersigned employee of ROGERS TOWNSEND & THOMAS, PC, do hereby certify that a copy of the Objection to Confirmation of Debtor's Chapter 13 Plan was mailed to the parties listed below:

Michelle Yvette Hodges (via USPS)
PO Box 95
Mauldin, SC 29662

Gretchen D. Holland. (via electronic service)
Ch. 13 Trustee Office
20 Roper Corners Circle, Suite C
Greenville, SC 29615

/s/ Ressie Register

ROGERS TOWNSEND & THOMAS, PC
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Columbia, South Carolina
December 6, 2019